

# **EXHIBIT 47**

# Test Accommodations

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## Guidelines

[General](#) [Learning Disorders](#) [Attention-Deficit/Hyperactivity Disorder](#) [Vision Impairments](#) [Hearing Impairments](#)

### General Guidelines for all Disabilities

The following guidelines are provided to assist the applicant in documenting a need for accommodation based on an impairment that substantially limits one or more major life activities. Documentation submitted in support of a request may be referred to experts in the appropriate area of disability for a fair and impartial professional review.

The examinee must personally initiate a written request for accommodations or for release of information relative to an accommodations request. All documentation submitted in support of a request for accommodations is confidential. No information concerning a request for accommodations is released without a written request from the examinee. Accommodations requests by a third party (such as an evaluator or medical school) cannot be honored.

#### To support a request for test accommodations, please submit the following:

1. Completed Test Accommodations Request form.
2. A detailed, comprehensive written report describing your disability and its severity and justifying the need for the requested accommodations.
3. The following characteristics are expected of all documentation submitted in support of a request for accommodations. **Documentation must:**
  - **state a specific diagnosis of the disability.**  
A professionally recognized diagnosis for the particular category of disability is expected, e.g., the DSM-IV diagnostic categories for learning disorders.
  - **be current.**  
Because the provision of reasonable accommodations is based on assessment of the current impact of the examinee's disability on the testing activity, it is in the individual's best interest to provide recent documentation. As the manifestations of a disability may vary over time and in different settings, in most cases an evaluation should have been conducted within the past three years, e.g., visual or neuromuscular conditions are often subject to change and should be updated for current functioning.
  - **describe the specific diagnostic criteria and name the diagnostic tests used, including date(s) of evaluation, specific test results and a detailed interpretation of the test results.**  
This description should include the results of diagnostic procedures and tests utilized and should include relevant educational, developmental, and medical history. Specific test results should be reported to support the diagnosis, e.g., documentation for an examinee with multiple sclerosis should include specific findings on the neurological examination including functional limitations and MRI or other studies, if

relevant.

Diagnostic methods used should be appropriate to the disability and current professional practices within the field. Informal or non-standardized evaluations should be described in enough detail that other professionals could understand their role and significance in the diagnostic process.

- **describe in detail the individual's limitations due to the diagnosed disability, i.e., a demonstrated impact on functioning vis-a-vis the USMLE and explain the relationship of the test results to the identified limitations resulting from the disability.**  
The current functional impact on physical, perceptual and cognitive abilities should be fully described, e.g., an examinee with macular degeneration has reduced central vision which limits the ability to read.
- **recommend specific accommodations and/or assistive devices including a detailed explanation of why these accommodations or devices are needed and how they will reduce the impact of the identified functional limitations,**  
e.g., a learning disabled individual who has difficulty decoding might require an audio rendition of the exam.
- **establish the professional credentials of the evaluator that qualify him/her to make the particular diagnosis, including information about license or certification and specialization in the area of the diagnosis.**  
The evaluator should present evidence of comprehensive training and direct experience in the diagnosis and treatment of adults in the specific area of disability.

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**If no prior accommodations have been provided, the qualified professional expert should include a detailed explanation as to why no accommodations were given in the past and why accommodations are needed now.**

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# Test Accommodations

## Information Regarding the Settlement with the Department of Justice

**Posted: March 18, 2011**

### What is the USMLE?

USMLE is a standardized examination used to evaluate applicants' competence for purposes of medical licensure in the United States and its territories. The USMLE is designed to assess a physician's ability to apply knowledge, concepts, and principles, and to demonstrate fundamental patient-centered skills, that constitute the basis of safe and effective patient care. USMLE is accepted by virtually all licensing boards in the US as evidence of competence to practice medicine in the US. State medical boards rely upon successful completion of the three USMLE component exams, or "Steps," as an important element in the process for licensing physicians. Because of the test's importance to the public's safety and to examinees, maintaining its fairness and integrity is a priority for the NBME.

### Does the USMLE program provide test accommodations for examinees with disabilities?

Yes. Pursuant to the Americans with Disabilities Act, as amended (ADA), private entities that administer examinations related to professional licensing must offer the examinations in a place and manner accessible to persons with disabilities. The NBME provides reasonable and appropriate test accommodations to examinees who provide supporting documentation which shows that they have a disability within the meaning of the ADA.

### What prompted the recent settlement agreement between the NBME and the Justice Department?

NBME was first contacted in October 2010 by the Department of Justice regarding Mr. Frederick Romberg's request for test accommodations. In our initial response, we explained to the Department of Justice the reasons for our decision on Mr. Romberg's request. We then worked with the Department to address its concerns regarding Mr. Romberg in a manner that was consistent with the important role that the USMLE plays in the licensure process for physicians and NBME's legitimate concerns relating to requests for accommodations that alter standard testing conditions.

### Did NBME violate the ADA?

No. The settlement agreement with the Department of Justice expressly notes that NBME "denies that it has violated the ADA in any way in its handling of Mr. Romberg's request for accommodations," and that the agreement "is not an admission by NBME of any violation of the ADA or its implementing regulations."

Through the Department of Justice, NBME was provided additional documentation relating to Mr. Romberg and, in an effort to resolve the matter on mutually agreeable terms, the NBME and the Department of Justice subsequently reached an amicable resolution that addressed the concerns of each party.

### What does the settlement agreement mean for other

## examinees?

The agreement applies to Frederick Romberg individually and provides that he will receive extra testing time and a separate testing area on Step 1 and Step 2 CK of USMLE. With respect to other examinees, the NBME will continue to provide testing accommodations to candidates in accordance with the requirements of the ADA. Our process for determining whether to grant accommodations is rigorous but fair, and properly reflects the important role that the USMLE plays in the licensure process for physicians. If you have a physical or mental impairment that substantially limits your ability to perform a major life activity that is relevant to taking the USMLE under standard testing conditions, we encourage you to request reasonable accommodations when you take the USMLE.

## What is the process for requesting test accommodations for USMLE?

Information regarding procedures and documentation requirements for accommodation requests is available at the USMLE website. Individuals who are seeking accommodations should submit their requests and accompanying documentation when they apply for USMLE. [Information about requesting test accommodations »](#)

## What type of documentation should I submit in support of my request for testing accommodations?

Submit all documentation that you believe establishes (1) the existence of a physical or mental impairment that substantially limits one or more major life activities within the meaning of the ADA, and (2) how the impairment limits your ability to take USMLE under standard conditions. Documentation should include diagnostic assessment/evaluation report(s) by a qualified professional showing how the impairment limits one or more major life activities. NBME may make a timely request for supplemental information if the information you submit does not clearly establish the nature of your disability or the need for testing accommodations for the requested Step examination.

## Is an evaluation report from my doctor/psychologist recommending that I receive accommodations sufficient to be granted test accommodations for USMLE?

The supporting documentation that you submit from a qualified professional is a necessary part of any request and is carefully reviewed by the NBME. However, as the settlement agreement notes, NBME is not required to defer to the conclusions or recommendations of an applicant's supporting professional. We carefully consider the recommendation of qualified professionals made in accordance with generally accepted diagnostic criteria and supported by reasonable documentation. Should our review of your documentation result in denial of your request, we will explain our reasons in writing. If your documentation is insufficient to make a decision or we have other questions or concerns, you will be notified and given an opportunity to supplement your request and supporting documentation.

## I received accommodations in the past. Is that sufficient evidence of impairment to be granted test accommodations for USMLE?

The fact that you have previously received accommodations in other contexts is not, in itself, a sufficient demonstration of your need for accommodations on a USMLE examination. However, NBME gives considerable weight to documentation of prior/current accommodations. Therefore, you should provide documentation detailing all such services and accommodations that you have received in the past, including for similar testing situations. We review each request on a case-by-case basis, carefully considering all evidence in determining whether an individual is substantially limited within the meaning of the ADA and, if so, what accommodations are appropriate in the context of USMLE.

